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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/759,108 12/02/96 QIN

J 12.975

EXAMINER

IM62/1123

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REDDICK, M

ART UNIT

PAPER NUMBER

1713

DATE MAILED:

11/23/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/759,108

Applicant(s)

QIN ET AL

Examiner

Judy M. Reddick

Group Art Unit

1713



☒ Responsive to communication(s) filed on 04/29/99 + 07/30/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 2, and 4-34 is/are pending in the application.

Of the above, claim(s) 17-32 and 34 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 4-16, and 33 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. After an extensive review of the file and an exhaustive deliberation coupled with applicants' persuasive arguments, the rejection based on Chmelir is herein withdraw. However, after reassessment of the prior art of record, a rejection based on such is deemed proper and is as set forth infra. To this end, prosecution is herein reopened. An apology is extended to applicants for any inconvenience that this may have caused.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 constitutes indefinite subject matter as per its dependency from a canceled claim, viz., claim 3.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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4. (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-16 and 33 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over International WO 96/17,681.

International '681 discloses and exemplifies superabsorbent materials, used in the formulation of disposable products such as diapers and sanitary napkins, defined basically as containing 1) an anionic superabsorbent in which from 20 to 100 % of the functional groups are in free acid form and include polymers wherein the functional groups are attached to a cross-linked acrylic base polymer such as polyacrylic acid, etc. and 2) a cationic superabsorbent in which from 20

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to 100 % of the functional groups are in basic form and include polymers formed from base polymers such as x-linked polysaccharides, polyquaternary ammoniums, etc. See, e.g., the Abstract, page 1, lines 13-28, pages 4-11. More specifically, WO'681 exemplifies the combination of an anionic polymer in acid form/cationic polymer in basic form. See, e.g., the Table per page 15 of WO'681.

Inasmuch as no difference is seen between the instantly claimed invention and in the system of WO'681, applicants have the burden of pointing out any differences and why any differences found would have been unobvious.

7. Claims 17-32 and 34 remain withdrawn from consideration as per having been drawn to a non-elected invention.

8. Applicants' arguments filed on 07/30/99 have been fully considered and found persuasive. However, said arguments do not address the merits of the prior art rejection at hand.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (703) 308-4346.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (703) 308-2450. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5885.

JMR *JMR*

11/19/99

J. M. Reddick

Judy M. Reddick

Primary Examiner

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